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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,238	04/12/2004	John Walters	KOP1270	1788

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EXAMINER

DZIERZYNSKI, EVAN P

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HA

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/822,238	WALTERS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Evan Dzierzynski	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/12/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemente et al. (US Pat 6851827) in view of Robertson et al. (US Pub 2003/0133311).

As for claim 1, Clemente et al. teaches a light providing assembly comprising a housing 100 having a front side 131, a back side 113 and a peripheral wall 102 extending between the front and back sides, the front side having a cavity extending therein, and a panel 141 having a first side and a second side, the panel being removably mounted (column 6 lines 53+) in the cavity, the panel having an outer perimeter having a size and shape substantially equal to a size and shape of an inner perimeter of the cavity, wherein the first side may be positioned against a back wall of the cavity (column 7 lines 65+), the back wall is being interpreted as a non-expansive component for bracing the illuminator assembly. This is done in a way such that the inner perimeter of the cavity abuts the outer perimeter of the panel. Clemente et al. also teaches a plurality of light emitters 143 being attached to the second side of the panel and a power supply 180. Clemente et al. fails to teach an electrical conduit mounted on the back wall which is positioned for electrically coupling with a second electrical conduit

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that is mounted on the first side of the panel, which is coupled to the light emitters.

Robertson et al. teaches an electrical connector plug (paragraph 0060). It would have been obvious for one of ordinary skill in the art to combine the connector plug with the panel of Clemente et al. in order to provide an alternate means of connecting the LEDs to the power source. The motivation of using a connector plug instead of just the wires of Clemente et al. is that removing and reattaching a connector plug is easier than removing and reattaching wires through the panel and into the LEDs.

As for claim 3, Clemente et al. teaches the device as discussed above, but fails to teach that each of the light emitters extends outwardly of the cavity when the first side of the panel is abutting the back wall. Clemente et al. states that the size of the LEDs is determined by the luminescence desired (column 6, lines 22+). It would have been obvious for one of ordinary skill in the art to use large LEDs that extend out of the cavity in order to provide a more effective lighting system, since less of the light would be reflecting back into the system.

As for claim 4, Clemente et al. further teaches that each of the light emitters comprises a light emitting diode 143.

As for claim 5, Clemente et al. states that any number of LEDs can be used (column 6 lines 23+) with the invention but fails to show the light emitters positioned in a diamond pattern, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use four light emitters and rearrange them into a diamond pattern, since it has been held that rearranging parts of a prior art structure

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involves only routing skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

As for claim 8, Clemente et al. further teaches an actuator 183 being electrically coupled to the power supply for selectively turning the light emitters on or off.

As for claim 10, Clemente et al. further teaches a substantially transparent window 133 being removably attached to the front side such that the window covers the cavity.

Claims 2, and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemente et al. in view of Robertson et al. as applied to claim 1 and further in view of Petzl et al. (US Pat 6499859).

As for claim 2, Clemente et al. teaches the device as discussed above further including a dividing line (where 130 attaches to 110) extending through the peripheral wall such that a back portion and a front portion of the housing is defined, and a locking member 136 attached to the peripheral wall for selectively locking the housing in the closed position, but fails to teach the front and back portions being hingedly coupled together such that the housing may be selectively positioned in an open position or a closed position. Petzl et al. teaches hinges 26, 28 for a lamp housing that allow the device to be in an open or closed position. It would have been obvious for one of ordinary skill in the art to combine the hinged connectors of Petzl et al. with the device of Clemente et al. in order to have a quicker, easier way of opening the housing than unscrewing the four screws of Clemente et al.

As for claim 6, Clemente et al. further teaches that the power comprises a battery removably mounted (column 6 lines 63+) within the back portion of the housing.

As for claim 7, Clemente et al further teaches an actuator 183 being electrically coupled to the power supply for selectively turning the light emitters on or off.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clemente et al. and Robertson et al. as applied to claim 4 above, and further in view of Tieszen (US Pat 6663260).

As for claim 9, Clemente et al. teaches the device as discussed above, and further teaches a substantially transparent window being removably attached on the front side such that the window covers the cavity, but fails to teach the window having a plurality of openings extending therethrough, each of the openings being positioned for receiving one of the light emitters. Tieszen teaches a device with a plurality of openings 14 for LEDs to extend through. It would have been obvious for one of ordinary skill in the art to combine the openings in the transparent member of Tieszen with the device of Clemente et al. and fit it to the device so that the LEDs protrude through the holes in order to allow more light to shine through the device and less light reflect back into the device.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clemente et al., Robertson et al., and Tieszen as applied to claim 9 above, and further in view of Cota et al. (US Pat Des. 354577)

Clemente et al. teaches the device as discussed above, but fails to teach a clip member being attached to the back side for selectively attaching the housing to an

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article of clothing. Cota et al. teaches a clip member (Fig 3). It would have been obvious for one of ordinary skill in the art to combine the clip of Cota et al. with the device of Clemente et al. in order to secure the device to one's clothing.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemente et al. in view of Robertson et al. and further in view of Cota et al.

As for claim 12, Clemente et al. teaches the device as discussed above, but fails to teach a clip member being attached to the back side for selectively attaching the housing to an article of clothing. Cota et al. teaches a clip member (Fig 3). It would have been obvious for one of ordinary skill in the art to combine the clip of Cota et al. with the device of Clemente et al. in order to secure the device to one's clothing.

As for claim 13, Clemente et al. teaches the device as discussed above, but fails to teach a clip member being attached to the back side for selectively attaching the housing to an article of clothing. Cota et al. teaches a clip member (Fig 3). It would have been obvious for one of ordinary skill in the art to combine the clip of Cota et al. with the device of Clemente et al. in order to secure the device to one's clothing.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clemente et al. in view of Robertson et al., in view of Petzl et al., in view of Tieszen and further in view of Cota et al.

As for claim 14, Clemente et al. teaches a light providing assembly comprising: a housing 100 having a front side 131, a back side 113 and a peripheral wall 102 extending between the front and back sides, a dividing line (where 130 attaches to 110) extending through the peripheral wall such that a back portion and a front portion of the

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housing is defined, and a locking member 136 being attached to the peripheral wall for selectively locking the housing in the closed position. Clemente et al. further teaches the front side of the device having a cavity 116 extending therein, a panel 141 having a first side and a second side, the panel being removably mounted (column 6 lines 53+) in the cavity, the panel having an outer perimeter having a size and shape substantially equal to a size and shape of an inner perimeter of the cavity, wherein the first side may be positioned against a back wall of the cavity such that the inner perimeter of the cavity abuts the outer perimeter of the panel (item 141 in figure 3). Clemente et al. also teaches a plurality of light emitters 143 being attached to the second side of the panel, and each of the light emitters comprising a light emitting diode 143, and a power supply 180 being mounted within the housing, which is electrically coupled to the wires which run to the LED, it is inherent that the power supply would be electrically coupled to the electrical connectors, which are mentioned in the discussion of claim 1 above. The power supply is comprised of a battery removably mounted (column 6 lines 63+) within the back portion of the housing (fig 3); an actuator 183 being electrically coupled to the power supply for selectively turning the light emitters on or off; a substantially transparent window 133 being removably attached on the front side such that the window covers the cavity.

Clemente et al. fails to teach each of the light emitters extending outwardly of the cavity when the first side of the panel is abutting the back wall, but states that the size of the LEDs is determined by the luminescence desired (column 6, lines 22+). It would have been obvious for one of ordinary skill in the art to use large LEDs that extend out



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of the cavity in order to provide a more effective lighting system, since less of the light would be reflecting back into the system. Clemente et al. fails to teach the front and back portions being hingedly coupled together such that the housing may be selectively positioned in an open position or a closed position. Petzl et al. teaches hinges 26, 28 for a lamp housing that allow the device to be in an open or closed position. See the discussion in regard to claim 2 for the hinges of the housing. Clemente also fails to teach the plurality of light emitters including four light emitters positioned in a diamond pattern, see the discussion in regard to claim 5 for the plurality of light emitters being in a diamond shaped pattern. Clemente et al. fails to teach an electrical conduit being mounted on the back wall, a second electrical conduit being mounted on the first side of the panel, the first electrical conduit being positioned for electrically coupling with the second electrical conduit when the panel is positioned within the cavity, the second electrical conduit being electrically coupled to the light emitters. Robertson et al. teaches an electrical plug (paragraph 0060). See the discussion in regard to claim 1 for the electrical conduit. Clemente et al. fails to teach the window having a plurality of openings extending therethrough, each of the openings being positioned for receiving one of the light emitters. Tieszen teaches a device with a plurality of openings 14 for LEDs to extend through. See the discussion in regard to claim 9 for the openings in the window. Clemente et al. fails to teach a clip member being attached to the back side for selectively attaching the housing to an article of clothing. Cota et al. teaches a clip member (Fig 3). See the discussion in regard to claim 12 for the clip member.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clemente et al. in view of Tieszen, and further in view of Cota et al.

As for claim 15, Clemente et al. teaches a light providing assembly comprising a front side 131, a back side 113 and a peripheral wall 102 extending between the front and back sides, the front side having a cavity 116 extending therein; a housing having a front side 131, a plurality of light emitters 143 being mounted in the cavity such that the light emitters extend away from a back wall of the cavity (fig 2), a power supply 181 being mounted within the housing, the power supply being electrically coupled to the light emitters (column 7 lines 5+), an actuator 183 being electrically coupled to the power supply for selectively turning the light emitters on or off, a substantially transparent window 133 being removably attached on the front side such that the window covers the cavity. Clemente et al. fails to teach the window having a plurality of openings extending therethrough, each of the openings being positioned for receiving one of the light emitters. Tieszen teaches a device with a plurality of openings 14 for LEDs to extend through. See the discussion in regard to claim 9 for combining the openings. Clemente et al. also fails to teach a clip member being attached to the back side for selectively attaching the housing to an article of clothing. Cota et al. teaches a clip member (Fig 3). See the discussion in regard to claim 11 for combining the with the clip member of Cota et al.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemente et al. in view of Tieszen, and Cota et al. as applied to claim 15 above, and further in view of Petzl et al.

As for claim 16, Clemente et al. further teaches the front side of the device having a cavity 116 extending therein, the power supply 180 comprising a battery removably mounted (column 6 lines 63+) within the back portion of the housing, and a dividing line in the housing (where 130 attaches to 110) extending through the peripheral wall such that a back portion and a front portion of the housing is defined, and a locking member 136 attached to the peripheral wall for selectively locking the housing in the closed position, but fails to teach the front and back portions being hingedly coupled together such that the housing may be selectively positioned in an open position or a closed position. Petzl et al. teaches hinges 26, 28 for a lamp housing that allow the device to be in an open or closed position. It would have been obvious for one of ordinary skill in the art to combine the hinged connectors of Petzl et al. with the device of Clemente et al. in order to have a quicker, easier way of opening the housing than unscrewing the four screws of Clemente et al.

As for claim 17, Clemente et al. further teaches that each of the light emitters extends outwardly from the cavity, each of the light emitters comprising a light emitting diode 143, but fails to teach the window having a plurality of openings extending therethrough, each of the openings being positioned for receiving one of the light emitters. Tieszen teaches a device with a plurality of openings 14 for LEDs to extend through. It would have been obvious for one of ordinary skill in the art to combine the openings in the transparent member of Tieszen with the device of Clemente et al. and fit it to the device so that the LEDs protrude through the holes in order to allow more light to shine through the device and less light reflect back into the device.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goss (US Pat Des. 304694) is cited because it discloses a LED light arrangement with LEDs in a diamond shape.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan Dzierzynski whose telephone number is (571)-272-2336. The examiner can normally be reached on Monday through Friday 7:00 am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on M-F (571)-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Evan Dzierzynski

11/03/2004

  
RENEE LUEBKE  
PRIMARY EXAMINER